

**Shropshire Council internal consultation responses of the Bishop's
Castle Neighbourhood Plan to Reg 16 of the Neighbourhood
Planning (General) (Amendment) Regulations 2015**

SC consultee	Response
Climate Change	<p>The climate crisis is a serious threat to the lives of millions of people globally, nationally, and locally. The mitigation of greenhouse gas emissions and adaptation measures to build resilience is now urgent and essential to prevent the worst outcomes. Even if we are successful in mitigating the worst effects, we will continue to experience more pronounced and frequent episodes of extreme weather effects. The much greater frequency of extreme weather events will significantly increase insurance risks and threaten the health, wellbeing and future resilience of our communities and infrastructure.</p> <p>National Government has identified the following likely impacts:</p> <ul style="list-style-type: none"> - The effects of rising temperatures on the UK - The effect of warming on rainfall patterns and water supplies - Changes in the oceans - The impact of warming on food production - The impact on ecosystems - The impact on human health - Poverty - The impact of extreme weather events globally <p>In this context, Shropshire Council's Climate Task Force strongly supports in principle the sustainable construction measures for both new development and retrofit activity identified in Policy BC8 and the delivery of additional renewable energy generation infrastructure and capacity such as the proposed community heat network identified in paragraph 164 as positive contributions to the delivery of national and local policy objectives.</p>
Drainage	
Economic Development	
Education/School Places	
Highways	

Historic Environment - Conservation	
Historic Environment - Archaeology	
Housing Enabling	
Natural Environment -Biodiversity	<p>In June 2022, Shropshire Council (as the Competent Authority under the Conservation of Habitats and Species Regulations 2017 (as amended)) undertook a Habitats Regulations Assessment of the regulation 14 draft of the BCNDP.</p> <p>The River Clun SAC was identified during the screening process as having potential to be subject to likely significant effects as a result of the Reg 14 BCNDP through changes to water quality as a result of increased housing in the catchment of the river Clun, in combination with other plans.</p> <p>The River Clun is a tributary of the River Teme, which is the second largest tributary of the River Severn, draining a hilly, predominantly rural catchment of Silurian and Devonian rocks. The site includes only the lower reaches of the river and extends upstream from the confluence with the Teme to Broadward Bridge near Marlow. This section of the river holds a population of the freshwater pearl mussel <i>Margaritifera margaritifera</i>, one of the few lowland populations left in the UK. The freshwater pearl mussel larvae attach to the gills of salmon and trout before eventually detaching and settling in the riverbed gravels where they grow to adulthood.</p> <p>Freshwater Pearl Mussels are sensitive to changes in water quality, with nutrient enrichment impacting long term adult survival and juvenile recruitment. Recent water quality monitoring (2019-2021) shows nutrient concentrations within the River Clun SAC to be exceeding the targets for orthophosphate and Total Oxidised Nitrogen (TON). The latest 3-year mean orthophosphate (P) recorded within the SAC is 0.032mg/l, 320% of the site target of 0.01mg/l The latest 3-year mean Total Oxidised Nitrogen (TON) recorded within the SAC is 4mg/l which is 266.6 % of the site target of 1.5mg/l.</p> <p>Any nutrients entering the catchment upstream of the locations which are exceeding their nutrient targets, will make their way downstream and have the potential to further add to the current exceedance.</p> <p>Wastewater from development in Bishop's Castle discharges into the River Clun catchment, upstream of the internationally designated site, so there is a pathway for effects upon the River Clun SAC as a result of site allocation BC1 within the BCNDP.</p>

Policy DP13. Development in the River Clun Catchment is included in the draft Shropshire Local Plan to avoid impacts on the Freshwater Pearl Mussel and therefore SAC. The current proposed policy (as per Schedule of Proposed Main Modifications dated April 2022) states:

1. To protect the integrity of the river Clun Special Area of Conservation and to comply with the Habitats Regulations and policy DP12, development within the catchment of the river Clun will only be permitted if it can demonstrate either nutrient neutrality or a reduction in nutrient levels.

2. All measures relied on to deliver either nutrient neutrality or a reduction in nutrient levels must demonstrate with sufficient certainty that they:

a. Will achieve either nutrient neutrality or a reduction in nutrient levels; and

b. Can be secured and funded for the lifetime of the development's effects; and

c. Do not compromise the ability of the River Clun SAC to reach favourable conservation status.

In conjunction with specifically protective policy DP13, other policies included within the draft Shropshire Local Plan which will also contribute to the protection of the River Clun SAC are:

- DP12, paragraph 1 which requires a project-level Habitats Regulation Assessment for all proposals where the Local Planning Authority identifies a likely significant effect on an internationally designated site. Permission will be refused where such an HRA indicates an adverse effect on the integrity of a designated site which cannot be avoided or fully mitigated.

- DP19 Water Resources and Water Quality, which requires development not to adversely affect the quality, quantity and flow of both ground and surface water and must ensure that there is adequate water infrastructure in place to meet its own needs. Details of foul-water drainage must be provided to avoid any adverse impacts on the existing foul drainage network and proposals must help to conserve and enhance existing watercourses and riverside habitats.

- DP20. Water Efficiency expects new housing to meet the Building Regulations 110 litres per person per day standard which will help to prevent overloading WWTW and pollution events during times of high flow.

- DP21. Flood Risk covers measures to reduce flood risk and enhance as far as possible the natural capacity of soils, vegetation, river floodplains, wetland and upland habitats to help with this.

- DP22. Sustainable Drainage Systems requires development to incorporate SuDS to reduce flood risk, avoid adverse impacts on water quality and quantity and prevent contamination. Proposals will also be expected to have no adverse effect on the receiving water bodies, both during construction and when operational,
- DP25. Infrastructure Provision requires new development to only take place where there is sufficient existing infrastructure capacity available. Where a new development would lead to a shortfall in infrastructure provision, the development will be required to fund necessary improvements through a suitable developer contribution, unless the identified shortfall is being addressed by other means.
- S2.1 states that ‘The Plan HRA identifies that development in Bishop’s Castle is likely to have an adverse effect on the River Clun SAC so policy DP13 applies.’

Throughout the Local Plan Review process, Shropshire Council has sought to proactively engage and where appropriate undertake joint working with both Natural England (NE) and the Environment Agency (EA), however to date this process has not resulted in agreement with regard to the River Clun SAC. NE and EA have both objected to the Council’s proposed approach to safeguarding this internationally designated site in the Draft Shropshire Local Plan and specifically object to the allocation of housing sites in the Clun catchment therefore including the 40 houses in Bishop’s’ Castle allocated as site BIS013.

Following more detailed meetings and communications between Shropshire Council, NE and the EA regarding this matter, the Council considered it was being advised by both organisations of the need to produce an evidence base of possible mitigation measures which would not form part of restoration plan in order to provide confidence that mitigation to enable housing development in the Clun catchment would not undermine the achievement of the site’s conservation objectives.

5.2.10 Therefore in early 2022 the council commissioned consultants to produce a Mitigation Measures study which includes:

- a) a phosphate calculator
- b) a phosphate budget for housing proposed in the Clun catchment through the Draft Shropshire Local Plan
- c) recommendations for the most appropriate mitigation measures based on costings and effectiveness
- d) an assessment of opportunities for broad locations for the recommended measures and

e) advise on implementation mechanisms.

However, in June 2022 Natural England wrote to the Council, noting the work undertaken to identify mitigation measures to enable development in the Clun catchment but maintaining their objection to the housing allocations in the catchment.

Subsequent to this, as noted in the BCNDP Basic Conditions Statement, a letter from the Chief Planner was circulated (dated July 2022) to catchments notified by Natural England as requiring nutrient neutral development, which therefore included the Clun catchment.

Since receipt of this letter, the following has been clarified:

1. Water company upgrades are not likely to occur in the Clun catchment as per the new legislation as waste water treatment works do not meet the capacity requirements ie they serve <2,000 population. In addition, most of the treatment works are already operating at or below Technically Achievable Limits.
2. Natural England have confirmed that they will not be taking forward a NE mitigation scheme in the River Clun catchment.

Following the appropriate assessment, consideration of mitigation measures and the content of the Chief Planner letter, Natural England have maintained their objection to housing allocations in the River Clun catchment proposed through the Local Plan review. They also highlighted that nitrogen, as well as phosphates must be considered.

Whilst the HRA into the Shropshire Local Plan (2016-2038) concludes that measures within policies (most notably DP13 of the Draft Local Plan) have been proposed which mitigate any likely significant effects, it is acknowledged that Natural England continue to raise an objection to the Draft Local Plan position.

It is considered that at this stage in the process of the examination of the Shropshire Local Plan review, it would be beneficial for the BCNDP to wait for the outcome of Shropshire Local Plan examination into this issue, in order to proceed with sufficient certainty regarding the effect on site integrity from the BCNDP upon the River Clun SAC. This remains the case even with the inclusion of wording in policy BC1 to clarify to developers as to the work required to protect the River Clun SAC.

Shropshire Council continue to work closely with Natural England on this issue. The council are currently working with external consultants to gather scientific evidence as to both phosphate and nitrate mitigation measures in the catchment and the opportunities available to not undermine restoration.

	<p>It is therefore recommended that the Regulation 15 BCNDP is not submitted for examination at this current time and awaits the outcome of the examination of the draft Shropshire Local Plan with regards the adoption of housing allocations in the Clun catchment, including site BIS013.</p>
<p>Natural Environment - Trees</p>	
<p>Parks and Recreation (open space)</p>	
<p>Public Rights of way</p>	
<p>Planning Policy</p>	<p>Shropshire Council Planning Policy response to Regulation 16 consultation on the Draft Bishops Castle Neighbourhood Plan, August 2023</p> <p>Shropshire Council have received the Draft Bishops Castle Neighbourhood Plan (BCNP) under regulation 15 of the Neighbourhood Planning (General) Regulations 2012. Consultation of this draft neighbourhood plan is currently on going in accordance with Regulation 16. Following the conclusion of the Regulation 16 consultation Shropshire Council will submit the Draft Bishops Castle Neighbourhood Plan to an independent examiner, who will determine whether the plan meets the 'basic conditions' as set out in the Town and Country Planning Act (TCPA) 1990, Schedule 4B, Section 8(2).</p> <p>Shropshire Council have sought to support the preparation of the Bishops Castle Neighbourhood Plan, providing comments on previous versions of the Bishops Castle Neighbourhood Plan including a response to the Regulation 14 consultation.</p> <p>The Council consider that the Bishops Castle Neighbourhood Plan has been prepared in accordance with national policy and guidance and meets the necessary criteria and expectations of a neighbourhood plan as set out with NPPF and NPPG.</p> <p><u>Contribution to achieving Sustainable Development</u></p> <p>The Bishops Castle Neighbourhood Plan sets out under paragraphs 12-13 and within a table on the same page how the plan seeks to contribute to sustainable development under social, economic and environmental aspects. These are linked to specific policies, each of which assist with achieving the objectives of the Bishops Castle Neighbourhood Plan.</p> <p><u>Conformity with Development Plan Strategic Policies</u></p> <p>Shropshire Councils adopted development plan is currently Shropshire Core Strategy (adopted 24th February 2011) and the</p>

Site Allocations and Management of Development (SAMDev), (adopted 17th December 2015).

Shropshire Council is at an advanced stage of a Local Plan Review. The emerging Draft Shropshire Local Plan (2016-2038) was submitted to the Secretary of State for examination on the 3rd September 2021. Examination is currently ongoing. The first phase of the public hearing sessions took place in July 2022 and in January 2023. The Inspectors published their Interim Findings on 15th February 2023, it is anticipated that second phase hearing sessions will take place towards the end of 2023/beginning of 2024.

Generally the policies within the Bishops Castle Neighbourhood Plan are considered to largely conform with the adopted local plan (Core Strategy, 2011 and Site Allocations and Management of Development (SAMDev) Plan, 2016) or the draft Shropshire local plan.

Shropshire Council notes that the Bishops Castle Neighbourhood Plan steering group has taken into account the Councils Regulation 14 consultation response and the majority of recommended changes have been incorporation into the submission draft of the Bishops Castle Neighbourhood Plan. One matter which remains outstanding and continues to be a significant consideration particularly in relation to **policy BC1 Housing allocation and change to the development boundary** is with regard to Nutrient Neutrality and the River Clun. The implications of the proposed allocation on Nutrient Neutrality has been highlighted by Shropshire Council throughout the process of the Neighbourhood Plan. The comments provided during the Regulation 14 consultation remain relevant and are reiterated below:

'In February 2023 the Council received the initial findings of the Local Plan inspectors on the draft Local Plan. With regard to the issue of nutrient neutrality and the River Clun, the inspectors have not arrived at any firm conclusion, but have further encouraged the Council to engage further with Natural England and the Environment Agency on the matter, which we are doing. Within the Bishops Castle context the Council is also aware that there may be alternative proposals to securing nutrient neutrality in discussions with Severn Trent Water.'

Confirmation of this remains outstanding, and as such the situation as at August 2023 still remains uncertain. To this end, the Council has previously recommended the Bishops Castle Neighbourhood Plan pause its process until this is uncertainty is resolved, and Shropshire Council would continue to recommend this course of action for the time being.

